



South Coast Air Quality Management District

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ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, JULY 30, 2010 MEETING MINUTES

MEMBERS PRESENT:

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman
Rhetta Alexander, San Fernando Valley Interfaith Council
Lawrence Beeson, Loma Linda University, School of Public Health
Suzanne Bilodeau, Knott's Berry Farm
Paul Choe, Korean Drycleaners & Laundry Association
Afif El-Hasan, American Lung Association
Alycia Enciso, Small Business Owner
Mary Figueroa, Riverside Community College
Maria Elena Kennedy, Quail Valley Task Force
Pat Kennedy, Greater Long Beach Interfaith Community
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor
Angelo Logan, East Yard Communities for Environmental Justice
Margaret Mapes, St. Joseph Center
Daniel Morales, National Alliance for Human Rights
John Moretta, Resurrection Church
Elina Nasser, Center for Occupational and Environmental Health, UCLA
William Nelson, OC Signature Properties
Neal Richman, Breathe LA
Rafael Yanez, Member of the Public

MEMBERS ABSENT:

Detrich Allen, City of Los Angeles Environmental Affairs
Mimi Holt, SEIU Local 121 Registered Nurses
Andrea Hricko, Southern California Environmental Health Sciences
Evelyn Knight, Long Beach Economic Development Commission
Paul Ong, UCLA School of Public Affairs
Salvador Ramirez, National Hispanic Environmental Council
Woodie Rucker-Hughes, NAACP – Riverside Branch

OTHERS PRESENT:

Earl Elrod, Board Member Assistant (*Yates*)
Sue Gornich, BP
Nicole Nishimura, Board Member Assistant (*Lyou*)
Edward Phillips, BNSF
Patty Senecal, WSPA
Sarah Weldon, AAR

AQMD STAFF:

Alan Caldwell, Community Relations Manager
Jay Chen, Sr. AQ Engineering Manager
Nancy Feldman, Principal Deputy District Counsel
Ruby Fernandez, Deputy District Counsel
Anupom Ganguli, Ph.D., Assistant Deputy Executive Officer/Public Advisor
Cesar Garcia, Student Intern
Ericka Logan, Student Intern
Ian MacMillan, Program Supervisor
Cheryl Marshall, Program Supervisor
Susan Nakamura, Planning and Rules Manager
Edwin Pupka, Sr. Enforcement Manager
Rocio Santacruz, Sr. Public Information Specialist
Nicole Soto, Secretary
Noe Torres, Student Intern
Vicki White, Program Supervisor
Jill Whynot, Director of Strategic Initiatives

Agenda Item #1 - Call to Order/Opening Remarks

Chair Dr. Joseph Lyou called the meeting to order at 12:01 PM. Mr. Neal Richman announced he is representing Breath LA, not UCLA.

Chair Lyou mentioned that Lisa Jackson, the Administrator for the United States Environmental Protection Agency (EPA) has made Environmental Justice (EJ) a priority and published for comment, an *Interim Guidance on Considering Environmental Justice During the Development of an Action*, which is available on the EPA website. Chair Lyou continued to say the EPA posted a response to *Strengthening Environmental Justice and Decision Making: A Symposium on the Science of Disproportionate Environmental Health Impacts*, and will make it available to members.

Action Item: *Provide members a copy of the EPA publications.*

Chair Lyou noted that District staff is working on a response to the Federal Government's proposal regarding EPA Ozone standards, which will reduce the ozone in Los Angeles anywhere from 7-20%. He said the response should be finalized by the end of August and he would like to incorporate a similar presentation as given at the Board Retreat, so members can give their response.

Action Item: *Agendize a presentation on the EPA Ozone Standard.*

Agenda Item #2 – Approval of April 23, 2010 Meeting Minutes

Chair Lyou asked if there were any objections to the April 23, 2010 meeting minutes. Upon hearing no objections, the minutes were approved.

Dr. Anupom Ganguli reviewed the action items from the April 23, 2010 meeting.

Agenda Item #3 – Member Updates

Chair Lyou asked for member updates. Mr. Angelo Logan provided an update on the 710 freeway expansion project and noted the project is under way and under environmental review. He said the project is an 18 mile freeway expansion, set to expand from eight lanes to fourteen and will cost about 6.5 billion dollars. Mr. Logan noted a major concern of the corridor communities, is the expansion is to

accommodate more truck traffic, so the challenge is to figure out how to accommodate port growth while reducing diesel emissions. He informed members the Environmental Impact Report (EIR) is set to release in about 11 months and will be the first freeway project that Caltrans will conduct a Health Risk Assessment. Mr. Logan further noted it was just approved the night before to also do a Health Impact Assessment as part of the EIR and said additional information is available on Metro's website. Chair Lyou asked if they are incorporating a zero emission alternative in the EIR. Mr. Logan said there are currently seven alternative zero emission alternatives in the EIR but he does not have complete details.

Dr. Ganguli advised members of hearings at the Port of Long Beach on Monday, August 2, 2010 and the Port of Los Angeles on Thursday, August 4, 2010 to consider the Zero Emissions Cargo Movement System, which would be the first of its kind in the entire nation.

Action Item: *Provide members with the Port's hearing details.*

Ms. Enciso noted she is part of Congressman Joe Baca's Senior Advisory Committee and they are requesting a representative from the District to attend the next meeting to discuss air quality issues. Chair Lyou asked her to provide the details and contact information so it can be arranged.

Action Item: *Assign staff to attend the next Senior Advisory Committee meeting.*

Ms. Enciso asked if diesel particulates are causing damage to her fruit trees. Chair Lyou explained air quality programs have been associated with plants and eco systems and it has in the past destroyed the vegetation, so it is a possibility. Ms. Enciso asked who can advise her. Mr. Lawrence Beeson responded the University of California Riverside is one of the leaders in health effects of air pollution on plants.

Mr. Logan noted there is a concern over soot and other items found on personal property and vegetation and asked if there is a program that can provide Petri dishes to local communities. Chair Lyou explained the labs at the District have the ability to test samples from a plate and is done occasionally if specifically requested by community members or requested at Town Hall Meetings. Dr. Ganguli added it is a question of resources and therefore they prioritize and consider the requests.

Mr. Neal Richman addressed concern over Proposition 23 and its impact on air quality, and asked if the District has taken a position or is considering taking a position. Chair Lyou advised Mr. Richman that the District historically does not take position on Propositions and the District has not taken position on Proposition 23. Dr. Ganguli further noted he would follow up with the Legal department but reiterated that the District does not normally take position on propositions.

Mr. Rafael Yanez expressed concern that all the ongoing projects tie into one another, such as the 710 Freeway expansion, Clean Communities Plan (CCP), Zero Emission Container Handling, Alameda Corridor, expansion of the Commerce railyard, lead emissions in Vernon and the rendering plant odors, and asked if community members can get involved in the planning of the 710 Freeway expansion. Chair Lyou referred to Mr. Logan who noted there are five working groups and a coalition involved in the planning. Chair Lyou added that District staff is involved and Dr. Ganguli said he would serve as the liaison between staff and committee members.

Agenda Item #4 – CARB Railyard Meetings

Mr. Logan discussed from a community organizations point of view and with a focus on the Commerce Railyard, the outcome of the California Air Resources Board (CARB) meetings. Chair Lyou asked if

they've already done Health Risk Assessments. Mr. Logan responded there was a Health Risk Assessment for 2005 but it will be updated.

At the conclusion of the presentation, Chair Lyou asked what the next steps are. Mr. Logan replied there will be new amendments, which they will share with the rail companies and see if they agree. He said there are concerns that there are California Environmental Quality Act (CEQA) requirements when you do a major measure such as this one, and is questioned if all alternatives were analyzed and if it complies with the State Implementation Plan (SIP) requirements.

Ms. Brenda LaMothe asked if the railroads agreed to do what they agreed to do. Mr. Logan responded that Union Pacific in Commerce until 2011 have agreed to do what they agreed to do, but said between 2010 and 2015 they will have to consider additional measures, while noting they gave a good effort but they need to go above and beyond. Ms. LaMothe asked if the charts in the presentation translate into lives, or if there is a chart that shows the affects children and people have in the communities. Mr. Logan explained previous Health Risk Assessments were based on emissions, emission sources, and air dispersion modeling. He continued to explain the results are not in real numbers but is the closest thing they have to determine what the health impacts will be from diesel exposure.

Ms. Maria Kennedy asked if Mr. Logan has looked at the National Pollutant Discharge Elimination System (NPDES) permits because she believes there are clear water violations of the Clean Water Act in railyard operations. Ms. Kennedy continued to state that the National Drinking Water Advisory Council is very committed to EJ as well as the Safe Drinking Water Act, which NPDES permits directly tie into. Chair Lyou mentioned that at one point the National Resource Defense Council (NRDC) issued a notice to the Ports that they were intending to take action under the Resource Conservation and Recovery Act and the Hazardous Materials Act for illegal disposure of hazardous materials but doesn't think a lawsuit came out of it. Mr. Logan noted that it had not been a main focus but did acknowledge that there are water treatment systems in the railyards.

Ms. Enciso asked who is responsible for CARB. Chair Lyou responded it depends on the situation, but there are things they have ultimate authority for in the State of California, the California Clean Air Act, and other California laws. He continued to explain they have certain authorities under the United States Clean Air Act, but the authority is given to them by the EPA and the Board Members are appointed by the Governor. Ms. Enciso expressed concern that public comments from the CARB meeting in San Bernardino were not taken into consideration. Chair Lyou noted on December 13, 2001 CARB developed an Environmental Justice Action Items and Commitments Policy and one of the action items was to include public participation and listen to the EJ concerns. Chair Lyou stated whether they've done it as good as they should is another issue and advised Ms. Enciso to inform CARB if she feels they are not being as responsive as they should.

Ms. Enciso asked how to clean diesel particulates in homes and how to dispose of it. Chair Lyou responded he has not seen any best practices for cleaning your home in regards to diesel particulates or other chemicals. Ms. Enciso expressed concern that enough is not being done to inform communities about building near freeways and how to clean and maintain. Dr. Ganguli responded there is a revamp in the outreach program for school siting and local land use decisions for which their distance to congested freeways, warehouses, ports, or other sources of diesel emissions would be advised. Dr. Ganguli also noted there is money the Governing Board has allocated to conduct studies on protective filters for schools and said information regarding certified clean air choice cleaning solvents is available on the web site.

Action Item: *Provide link to the Certified Clean Air Choices Products and Companies list.*

Mr. Afif El-Hasan asked if the cleaning solvents listed on the website have been tested. Dr. Ganguli replied he was unsure but would check with the District's Chemists.

Action Item: *Find out if the cleaning solvents listed on the website have been tested.*

Mr. Yanez provided suggestions on how to clean households, based on information he's read working for the Bureau of Sanitation for the City of Los Angeles. He said you want to mechanically trap dust when dusting, such as when using a dry Swiffer. Mr. Yanez continued to say when vacuuming, it's best to use a HEPA filter bag so dust is not picked up and redistributed around the house. For disposal, you treat it as typical trash, while industrial sources generally have an industrial waste permit.

Ms. Elina Nasser informed members that the Center for Occupational and Environmental Health at UCLA will have results of a toxicology study on the four railyards that will characterize what the pollutants are and how they interact with the body. Ms. Nasser said she would like to present the results at a future meeting once they are available. Mr. Logan added that he plans on holding public meetings to present the findings and will outreach to Boyle Heights and surrounding areas. Chair Lyou added that the Southern California Particle Center is very concerned about making sure they are not only looking at pollution levels, but linking them to the toxicity and trying to provide the links between health outcomes and health effects of the pollutants.

Mr. Pat Kennedy asked how many years it would take before something comes out of the process and why CARB doesn't step up. Chair Lyou responded that District staff has been directed by the Governing Board to address railyard issues because it recognizes that we cannot accomplish clean air responsibilities without addressing the issue. He added that EJAG agrees that railyard issues are a high priority. Mr. Logan added that in 2007, the District passed the 3500 rules which address railyards and feels the District has done a great job at passing rules that were challenged by the two railyard companies and is still in court today. Chair Lyou clarified that the rules were challenged legally, that the District tried to adopt a cutting edge regulation to reduce the health risks associated with railyard operations.

Ms. Sarah Weldon provided public comment by noting she is available to present general background about railyard operations that may help answer questions.

Mr. Edward Phillips provided public comment by discussing the 1998 and 2005 voluntary agreement signed in part by the District. He also addressed monitoring at the fence line, service and testing locomotives, risk from mobile sources, and stated emissions does not mean exposure. Mr. Logan asked if "emissions does not mean exposure" is by definition. Mr. Phillips responded by saying it is by definition under Occupational Safety & Health Administration (OSHA).

Mr. Enciso asked how many employees BNSF employs at the San Bernardino yard. Mr. Phillips responded he was unsure since they use contracted employees as well as companies that provide services. Ms. Enciso asked how the employees are protected from emissions. Mr. Phillips said emissions does not equal exposure, and the record of employees over the past 120 years does not show a causal relationship.

Mr. Richman asked about the issue with micro particulates, and how they are finally starting to understand how they affect the body. Chair Lyou said it's a larger discussion and the burden of proof is

greater on the people who are suffering, so as a result, you have to show you have an adverse health impact before making a decision to do anything about it.

Mr. Daniel Morales asked if the railroad foresees electrifying. Mr. Phillips responded that anything they do to improve their efficiency will also reduce time they take to do something, and continued to say they are looking at it, but it takes time. Mr. Logan asked what the reason was for not putting electric cranes at the Hobart facility, since it was constructed on new property. Mr. Phillips said they don't span three tracks, they span two lanes, which is one track and one lane where trucks haul in containers. Mr. Phillips announced he is willing to take Mr. Logan or anyone else interested in seeing the railyards.

Agenda Item #5 – Rule 1420.1 Emissions Standards for Lead from Lead-Acid Battery Recycling Facilities

Ms. Susan Nakamura discussed Rule 1420.1, Emission Standards for Lead from Lead-Acid Battery Recycling Facilities and noted the rule is being postponed and will go to the board as soon as possible. Chair Lyou asked if they will go back to Stationary Source Committee with the amendments, which Ms. Nakamura confirmed.

Mr. Yanez asked if with the amendments they will look at stack and fugitive emissions. Ms. Nakamura clarified the rule has always looked at stack and fugitive emissions, but the area they would like to improve is stack emissions. She continued to say when they reevaluated the rule they were concerned if the stack emissions were strict enough, so they are going to evaluate it more. Mr. Yanez asked for a brief overview of penalties for non compliance and if anyone has approached the EPA for low or no interest loans or if there is assistance available to them to meet the new compliance. Ms. Nakamura said it's a big concern and there is a delicate balance, which is part of the additional time they need to work with the facility and thinks it's a good idea.

Mr. Logan mentioned he attended the Stationary Source meeting and asked if Ms. Nakamura could share any of the comments they included or did not include and why. Ms. Nakamura said one of the concerns expressed during the meeting was participation and outreach in the proposed rule. Ms. Nakamura said other issues raised were notifications to the public when conducting maintenance activities, which was added to the rule so it's available through a hotline. Another issue raised were any fines received from the violations be put back into the community, which Ms. Nakamura explained was decided to leave the rule as is and leave the decision to the Board. A third comment was if there is a spike in lead emissions that the facility should offset it the next couple days. Ms. Nakamura said the concern with that approach is if the emissions decrease at times, if we allow emissions to increase in subsequent days. She said they have been looking at all elements of the rule and comments received to see where they need to tighten it. Mr. Logan asked if the fines and mitigation will be on the staff report when it goes to the Board, or if it the public will need to address it. Ms. Nakamura said since the issue is not resolved, usually the Board Letter will have key issues so she will identify it as an unresolved key issue.

Fr. Moretta asked if the monitoring is self monitored or what agency does the monitoring. Ms. Nakamura said they have monitors that are approved by the District as far as the location, how they operate the monitor, and the frequency for collecting the data is prescribed in the rule. She continued to say they have a protocol for which they collect, where they take the samples, and how they analyze it. Dr. Ganguli added that in addition, they do compliance inspections and as part of the inspection can do additional testing or monitoring if necessary. Chair Lyou added they've done monitoring in and around the facility that has demonstrated the need for the regulation. Ms. Nakamura introduced Mr. Jay Chen

who added that the District maintains two monitoring stations at Exide and one at Quemetco, which they plan to continue.

Ms. Mary Figueroa requested for future Agenda Items to include a map of the particular area for the sites that will be discussed so everyone knows the area in discussion. Chair Lyou said it would be very helpful to do that.

Mr. Phillips asked where the fees businesses collect for battery recycling is going. Ms. Nakamura responded she did not know and Chair Lyou added he was also unsure but they may go toward the disposal of waste.

Agenda Item #6 – Incentive Programs for Newer and Cleaner Equipment and Technologies

Ms. Vicki White provided an overview of incentive programs for newer and cleaner equipment and technologies. Ms. Margaret Mapes asked if there is money available for retrofitting senior citizen transportation. Ms. White said it has to be a goods movement truck, so a truck engaged in transferring a good for a fee and that the programs are mostly focused on heavy duty vehicles but in the future they might focus on medium and light duty vehicles.

Ms. Figueroa asked if it's possible to track the location the money is ending up. Chair Lyou said 50% of the funding for the Carl Moyer and School Bus Program will go to EJ areas. Ms. Figueroa asked for a breakdown or map showing exactly where the EJ money is going. Dr. Ganguli responded since the trucks move across the region, the monies are given without geographic consideration; they are only focusing on the most polluting trucks. Ms. Mapes asked why companies aren't going after the grant money. Ms. White said the Proposition 1B money requires you to visit the ports at least 150 times per year and to show historical records to attest. Going forward with the new truck, they work with the ports to conduct annual monitoring to ensure the requirements are met. Ms. White further noted they were able to process the trucks are moving goods but did not have them reveal where they were going. Dr. Ganguli said the Proposition 1B money was allocated by the State and has strict guidelines, for four trade corridors in the State, which include the Port of Long Beach, San Joaquin Valley area, Port of San Diego and surrounding area, and Port of Oakland, so the money has to be spent on trucks that service these four areas and in addition, meet the special criteria which Ms. White mentioned.

Mr. Logan asked if Proposition 1B is fixed or is there room for change in the program. Ms. White said for each year funds, there is a process for which Districts and Port Authority's applies for the money and the State has criteria they look for to allocate funds.

Ms. Enciso asked how people know where to apply for the grants as well as the Lawn Mower Exchange. Chair Lyou pointed out the Lawnmower Exchange notification on the home page and Ms. White confirmed. Chair Lyou further noted there is a listserve which you can sign up to be notified.

Mr. Phillips said 17% of the mobile sources come from jet skis and asked if there's something coming ahead for them. Chair Lyou said the turnover rate is high but it's a possibility for the District to consider.

Agenda Item #7 – General Overview of Asthma

Mr. El-Hasan provided a general overview of asthma. Mr. Richman asked what causes asthma. Mr. El-Hasan said the ultimate source of asthma is the immune system, and has to do with the way the body is reacting, but that exposure to toxins and pollution will also cause asthma, there are a lot sources but the end result is the same. Chair Lyou said there have been a couple studies but it's hard to figure out and is also diagnosed differently by every doctor.

Mr. Morales asked what affect sulphites have on respiratory problems. Mr. El-Hasan said its variable, but they are local irritants and many of the chemicals can irritate the lung passageways and cause direct damage to the passageways in addition to causing an asthma attack.

Mr. Logan asked what the difference is between asthma, bronchitis, and emphysema. Mr. El-Hasan responded bronchitis is a viral or bacterial infection of the upper airway, which is truly different than true wheezing, asthma. Chair Lyou asked if an asthmatic is more susceptible to bronchitis, which Mr. El-Hasan said they can be because very often the allergy reduces the defenses so it is difficult to clear the infection or bacteria. Mr. El-Hasan noted emphysema is a breakdown in the walls of the aviola so there is less area of the cell exposed to the blood vessels as compared to a healthy aviola. Mr. Logan asked if bronchitis is the same issue in terms of exposure to air pollution. Mr. El-Hasan responded air pollution can damage the lining of the bronchi and it can make someone susceptible to infection much more easily.

Agenda Item #8 – Other Recommendations

Chair Lyou mentioned that Mr. Phillips offered a tour of the railyards and said he would be taking him up on the offer and members should consider doing it, as well.

Chair Lyou also mentioned that Ms. Weldon left her business card and has offered to discuss railroads further, so if interested get the contact information from staff. He continued to say he has asked the railyards to provide staff with a written summary of what they want to say, so they can make a presentation at the next meeting.

Chair Lyou said if anyone has recommendations for Agenda items to submit them to Dr. Ganguli.

Dr. Ganguli reminded members of the San Bernardino Town Hall Meeting on August, 11, 2010 and also the two Ports meetings on August 2, 2010 and August 5, 2010, which Mr. Logan encouraged members to attend.

Agenda Item #9 – Public Comment

No Comments.

Agenda Item #10 – Adjournment

The meeting adjourned at 3:42 PM.